

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

License for Diversion and Use of Water

APPLICATION 10978

PERMIT 6448

LICENSE 386

THIS IS TO CERTIFY, That

Oakdale Irrigation District, Oakdale, California
and South San Joaquin Irrigation District,
Manteca, California

have made proof as of September 10, 1952
(the date of inspection) to the satisfaction of the State Engineer of California of a right to the use of the water of
Stanislaus River in Calaveras and Tuolumne Counties

tributary to San Joaquin River

for the purpose of irrigation use
under Permit 6448 of the Department of Public Works and that said right to the use of said water has
been perfected in accordance with the laws of California, the Rules and Regulations of the Department of Public Works
and the terms of the said permit; that the priority of the right herein confirmed dates from February 10, 1945;
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed twenty-five thousand (25000)
acre-feet per annum by replenishment storage to be collected from about December 1
of each year to about May 1 of the succeeding year.

The point of diversion ~~of such water~~ to storage is located at Melones Dam, north
forty-one degrees forty-two minutes west (N41°42'W) three thousand three hundred
thirty (3330) feet from SE corner of Section 11, T 1 N, R 13 E, MDB&M, being within
NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said Section 11.

The point of redirection of stored waters is located at Goodwin Dam, north ten
degrees no minutes west (N10°00'W) two thousand eight hundred twenty-five (2825) feet
from SE corner of Section 10, T 1 S, R 12 E, MDB&M, being within SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of said
Section 10.

A description of the lands or the place where such water is put to beneficial use is as follows:
a net irrigable area of 61666 acres within a gross area of 72345 acres within the
boundaries of Oakdale Irrigation District, within Townships 1, 2 and 3 South, Ranges
9, 10, 11 and 12 East, MDB&M and a net irrigable area of 64157 acres within a gross
area of 71112 acres within the boundaries of South San Joaquin Irrigation District,
within Townships 1 and 2 South, Ranges 6, 7, 8 and 9 East, MDB&M, as shown on map
filed with the State Engineer.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the Department acting through the State Engineer in accordance
with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or
unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Engineer.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Department.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

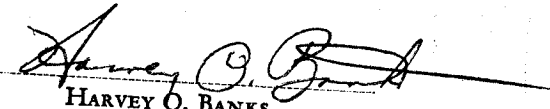
Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property can not agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Witness my hand and the seal of the Department of Public
Works of the State of California, this 5th
day of August, 19 54

A. D. EDMONSTON, State Engineer

By 
HARVEY O. BANKS
Assistant State Engineer



LICENSE 3986

STATE OF CALIFORNIA—DEPARTMENT OF PUBLIC WORKS
DIVISION OF WATER RESOURCES
STATE ENGINEER

LICENSE
TO APPROPRIATE WATER

ISSUED TO Oakdale Irrigation District
& South San Joaquin Irrigation
District
DATED

95387 8-53 2M SPO

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

In the Matter of License 3986 (Application 10978)

Oakdale Irrigation District and South San Joaquin Irrigation District

**ORDER APPROVING CHANGES DUE TO LONG-TERM TRANSFER
AND AMENDING THE LICENSE**

SOURCE: Stanislaus River

COUNTY: Calaveras

WHEREAS:

1. The State Water Resources Control Board (SWRCB) issued License 3986 to Oakdale Irrigation District (OID) and South San Joaquin Irrigation District (SSJID) on August 5, 1954, pursuant to Application 10978.
2. On June 9, 2000, the SWRCB issued an Order approving a change in place of use to facilitate the long-term transfer of 11,000 acre-feet (af) of water per year from OID to the Modesto Irrigation District (MID). The long-term transfer was intended to allow OID to repay MID for any portion of OID's required Vernalis Adaptive Management Plan (VAMP) flows (per SWRCB Decision 1641) supplied by MID in years where channel capacity limitations on the lower Stanislaus River prevent OID from meeting these requirements directly.
3. On November 6, 2000, OID filed a petition for change in the place of use to facilitate a long-term transfer of 11,000 acre-feet (af) of water per year (in excess of that approved by the above-mentioned June 9, 2000 Order) from OID to MID under Licenses 3986, 7856, 7857, and 10166 (Applications 10978, 10872, 11105, and 12490) with the SWRCB. OID seeks to change the place of use of License 3986 to include the place of use of MID. This requested long-term change is essentially the same as that approved by the June 9, 2000 Order. The SWRCB issued public notice of the transfer on February 26, 2001, and received no protests during the period allowed for protests.

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at <http://www.swrcb.ca.gov>.

4. The petitioned change will not result in substantial injury to any legal user of water and does not unreasonably affect fish, wildlife, or other instream beneficial uses.
5. OID as Lead Agency under the provisions of the California Environmental Quality Act has completed a Negative Declaration and filed a Notice of Determination for the proposed long-term transfer. No significant adverse effects on the environment are identified in the Negative Declaration.
6. The license term relating to the continuing authority of the SWRCB should be updated to conform to section 780(a), title 23 of the California Code of Regulations.
7. The license term relating to the water quality objectives of the SWRCB should be updated to conform to section 780(b), title 23 of the California Code of Regulations.
8. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the license making the licensee aware of possible obligations resulting from these acts.

ORDER

NOW, THEREFORE, IT IS ORDERED that the petitioned long-term change of place of use of License 3986 (Application 10978) due to a long-term transfer of up to 11,000 acre-feet (af) of water is approved, subject to the following terms and conditions which shall remain in effect until December 31, 2011:

1. For the purposes of the transfer of up to 11,000 af of water per year, the place of use of License 3986 is expanded to include the boundaries of MID as shown on a map on file with the SWRCB. The change in place of use shall be in effect through December 31, 2011.
2. The amount of water authorized by this Order is in addition to the Order dated June 9, 2000 approving the transfer of up to 11,000 af of water from OID to MID.
3. The yearly quantity of water transferred pursuant to this order must be equal to the amount of water provided by MID for OID's and SSJID's portion of the VAMP flows (per SWRCB Decision 1641). The yearly quantity must be transferred to MID during the irrigation season subsequent to the VAMP releases by MID.

5. After December 31, 2011, the change of place of use of License 3986 shall automatically expire, and the water subject to the change shall revert to its original holders, OID and SSJID, without any action by the SWRCB.
6. OID shall keep a record of the use of water actually transferred under this Order during each irrigation season; such record is to be made available by the following January 31 upon request of the Chief of the Division of Water Rights. Additionally, this information shall be compiled into a report and submitted to the Division of Water Rights every three years along with the required tri-annual Report of Licensee for License 3986. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.
7. The Chief of the Division of Water Rights reserves jurisdiction to supervise the transfer, exchange, and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.

IT IS FURTHER ORDERED THAT LICENSE 3986 IS UPDATED AS FOLLOWS:

7. The following Standard License Terms shall be permanently added to License 3986:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines,

after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)

8. All other terms and conditions of License 3986 are still applicable.

Dated: AUG 31 2001

STATE WATER RESOURCES CONTROL BOARD

David R. Buring
Per Chief, Division of Water Rights

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

License 3986 issued on Application 10978 (Permit 6448)

**ORDER APPROVING CHANGES DUE TO LONG-TERM TRANSFER
AND AMENDING LICENSE 3986**

WHEREAS:

1. The State Water Resources Control Board (SWRCB) issued License 3986 to Oakdale Irrigation District (OID) and South San Joaquin Irrigation District on August 5, 1954, pursuant to Application 10978.
2. Oakdale Irrigation District (OID) filed a petition for change in the place of use to facilitate a long-term transfer of up to 11,000 acre-feet (af) of water per year from OID to the Modesto Irrigation District (MID) under Licenses 3986, 7856, 7857, and 10166 (Applications 10978, 10872, 11105, and 12490) with the State Water Resources Control Board (SWRCB) on April 27, 1999. OID seeks to change the place of use of License 3986 to include the place of use of MID. The SWRCB issued public notice of the transfer on March 9, 2000 and received no protests during the period allowed for protests.
3. The petitioned change will not result in substantial injury to any legal user of water and does not unreasonably affect fish, wildlife, or other instream beneficial uses.
4. OID as Lead Agency under the provisions of the California Environmental Quality Act has completed a Negative Declaration and filed a Notice of Determination for the proposed long-term transfer. No significant adverse effects on the environment are identified in the Negative Declaration.
5. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term will be placed in the license regarding the licensee's obligations resulting from these acts.
6. A license term relating to the continuing authority of the SWRCB should be added to conform to Section 780(a), Title 23 of the California Code of Regulations.
7. A license term relating to the water quality objectives of the SWRCB should be added to conform to Section 780(b), Title 23 of the California Code of Regulations.

NOW, THEREFORE, IT IS ORDERED THAT the petitioned long-term change of place of use of License 3986 (Application 10978) due to a long-term transfer of up to 11,000 acre-feet (af) of water is approved, subject to the following terms and conditions which shall remain in effect until December 31, 2011:

1. For the purposes of the transfer of up to 11,000 af of water per year, the place of use of License 3986 is expanded to include the boundaries of the Modesto Irrigation District as shown on a map on file with the State Water Resources Control Board (SWRCB). The change in place of use shall be in effect through December 31, 2011.
2. After December 31, 2011, the change of place of use of License 3986 shall automatically expire, and the water subject to the change shall revert to its original holders, the Oakdale Irrigation District and the South San Joaquin Irrigation District, without any action by the SWRCB.
3. Oakdale Irrigation District shall keep a record of the use of water actually transferred under this Order during each irrigation season to be made available by the following January 31 upon request of the Chief of the Division of Water Rights. Additionally, this information shall be compiled into a report and submitted to the Division of Water Rights every three years along with the required tri-annual Report of Licensee for License 3986. The report shall include a summary showing the monthly amounts of water actually transferred under this Order.
4. The Chief of the Division of Water Rights reserves jurisdiction to supervise the transfer, exchange, and use of water under this Order, and to coordinate or modify terms and conditions, for the protection of vested rights, fish, wildlife, instream beneficial uses and the public interest as future conditions may warrant.
5. A continuing authority condition is added to License 3986 to read as follows:

Pursuant to California Water Code Sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this license, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this license with a view to eliminating waste of water and to meeting the reasonable water requirements of licensee without unreasonable draft on the source. Licensee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this license and to determine accurately water use as against reasonable

water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the licensee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

6. A condition regarding compliance with water quality objectives is added to License 3986 to read as follows:

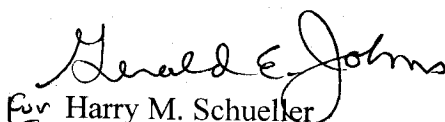
The quantity of water diverted under this license is subject to modification by the Board if, after notice to the licensee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

7. An Endangered Species Act term is added to License 3986 to read as follows:

This license does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the licensee shall obtain authorization for an incidental take prior to construction or operation of the project. Licensee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this license.

(0000014)


for Harry M. Schueller
Chief, Division of Water Rights

Dated: 6/9/2000

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 10978

PERMIT 6448

LICENSE 3986

ORDER ALLOWING CHANGE IN PURPOSE OF USE AND PLACE OF USE

WHEREAS:

1. License 3986 was issued to Oakdale Irrigation District and South San Joaquin Irrigation District and was filed with the County Recorder of Calaveras and Tuolumne Counties on August 24, 1954.
2. A petition for change in purpose of use and place of use has been filed with the State Water Resources Control Board and said Board determined that good cause for such change has been shown.
3. The Board has determined that the petitioned changes do not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.

NOW, THEREFORE, IT IS ORDERED THAT:

1. The purposes of use under this license shall be as follows:

Irrigation and Incidental Power.

2. The place of use under this license shall be as follows:

A gross area of 143,457 acres with a net irrigable area of 125,823 acres within the boundaries of Oakdale Irrigation District and South San Joaquin Irrigation District as shown on map on file at the State Water Resources Control Board, and includes two power plants at Goodwin Dam located within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 10, T1S, R12E, MDB&M.

Dated: NOVEMBER 18 1983

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights

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